

PATENT APPLICATION
Docket No. 16458.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Gurleyen et al.)	
)	
Serial No.:	10/580,297) Art Unit
) Unassigned
Filed:	May 19, 2006)
)
For:	NETWORKS)
)
Confirmation No.:	4056)
)
Customer No.:	022913)

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37CFR 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to Decision on Petition issued November 5, 2007, Applicants hereby request reconsideration of the Petition, and request that the Petition be granted in view of the additional facts set forth herein.

As indicated by the facts set forth in the Petition for Filing by Other Than All Inventors filed October 22, 2007 ("Petition"), Pubudu Chandrasiri, a co-inventor of the above-identified application, cannot be located after diligent effort and/or refuses to execute the application by signing a Declaration.

In the Decision on Petition issued November 5, 2007, the Office denied the Petition under 37 CFR 1.47(a) on the basis that the Petition was not accompanied by adequate factual proof that

the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. Specifically, the Office noted two deficiencies. First, that it had not been demonstrated that there was a *bona fide* attempt to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the inventor for signature. Second, that there had not been an adequate showing of a diligent effort to locate an inventor.

In response, Applicants submit herewith a Declaration by David Arthur Keston, dated June 5, 2008 setting forth facts addressing each of the deficiencies noted by the Office, including the following facts:

- 1) On November 14, 2006, a complete copy of the application papers, including specification, claims and drawings and as filed in the USPTO, along with the Declaration and letter explaining the same, were sent to Mr. Chandrasiri at his last known home address. (*See* Declaration by David Keston, paragraph 5, and Exhibit A attached thereto).
- 2) Again, on July 12, 2007, a complete copy of the application papers, including specification, claims and drawings and as filed in the USPTO, along with the Declaration, were sent to Mr. Chandrasiri at an alternate postal address. (*See* Declaration by David Keston, paragraph 11, and Exhibit G attached thereto).
- 3) Notwithstanding both attempts to present a complete copy of the application papers to the inventor for signature, Applicants have not received any reply from the inventor. It is believed that this silence constitutes a refusal to sign under 37 CFR 1.47(a).
- 4) In addition, Applicants have exercised a diligent effort to locate the inventor. Computer searches using the Google search tool and the LinkedIn resource have been utilized. (*See* Declaration by David Keston, paragraph 10, and Exhibits E and F attached thereto). A

search of the Applicants' corporate records has also not yielded any additional or alternative addresses. (*See* Declaration by David Keston, paragraph 9).

The Petition was also denied on the basis that individual declarations from the remaining inventors were not submitted. In response, Applicants submit herewith individual declarations executed by the remaining inventors.

In view of the foregoing, it is respectfully submitted that it has been demonstrated that, with documented evidence, the inventor cannot be located after diligent effort and/or has refused to execute the application. Individual declarations executed by the remaining inventors are also provided. Moreover, the Petition filed on October 22, 2007, included the required petition fee and identified the last known address of the inventor. This action is necessary to preserve the rights of the co-inventors of the application because refusal to grant the Petition of October 22, 2007, would result in abandonment of the application.

Accordingly, Applicants respectfully request that this patent application be accepted by the United States Patent and Trademark Office without the signatures of the co-inventor who cannot be located and/or refuses to sign the application. If there are any questions regarding this Petition, the undersigned may be contacted at (801) 533-9800.

Dated this 5th day of June, 2008.

Respectfully submitted,

/Eric L. Maschoff/ Reg. #36596/

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